

REMARKS:

CLAIM AMENDMENTS AND ARGUMENTS FOR PATENTABILITY:

Claims 1-23 are currently pending. Claims 1-23 have been rejected. Claims 1-4, 9-10, 12 and 16-22 have been amended.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, Claims 1-23 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with it is most nearly connected, to make and/or use the invention.

In response, Claims 1-4, 9-10, 12 and 16-21 have been amended so as to the specific concerns indicated by the Examiner in the Office Action. Proper antecedent basis can now be found in the claims. Additionally, Claims 1 and 12 have been amended to address the Examiner's concerns regarding specific claim recitation.

Applicant submits that the above amendments obviate the rejection of the claims under 35 U.S.C. §112, first and second paragraphs and thus ask that the Examiner reconsider and withdraw the rejection of the claims and indicate their allowance in the next paper from the Office.

Given the above, Applicant requests that the rejection of Claims 1-4, 9-10, 12 and 16-21 under 35 U.S.C. §112 be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1-5, 11, 13, 16 and 22-23 were rejected under 35 U.S.C. §102(b) as being anticipated by Le Boeuf (US 2,109,571).¹

The Examiner argues that the instant claims are anticipated by the drawings of US 2,109,571. Applicant has amended claim 1 to include a means for tensionably connecting a cargo carrier to a vehicle with a stationary securement member attached to a connection member. US 2,109,571 fails to teach the aforementioned connection to a vehicle. Accordingly, Applicant respectfully requests the 35 U.S.C. §102 rejection for claim 1 and claims 2-5, 11 and 13, which depend from claim 1, be withdrawn. Favorable action is solicited.

Claim 16 has been amended to recite a securement member tensionably connected to a vehicle. As stated above, the cited art fails to teach this limitation and as such, Applicant respectfully requests removal of the instant rejection. Favorable action is solicited.

Claims 22 has been amended to depend from a non-anticipated claim and as such, the rejection under 35 U.S.C. §102 is moot.

For at least the reasons described above, Applicant requests that the rejection of Claims 1-5, 11, 13, 16 and 22-23 under 35 U.S.C. §102(b) be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

¹ For there to be anticipation under 35 U.S.C. §102, "each and every element" of the claimed invention must be found either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) and references cited therein. See also *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation."); *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). As pointed out by the court, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Crop. V. Lydall, Inc.*, 159 F.3d 534, 545, 48 USPQ 2d 1321, 1328 (Fed. Cir. 1998). See also *In re Spada*, 911 F.2d 705, 708, 15 USPQ 2d 1655, 1657 (Fed. Cir. 1990).

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7298.048.CNUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy W. Druce". The signature is fluid and cursive, with the first name "Tracy" and last name "Druce" clearly distinguishable.

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